

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) No. 4:05-CR-272 CEJ
)
DEMTRICE DAILEY,)
)
Defendant.)

ORDER

Pursuant to 28 U.S.C. § 636(b), the Court referred all pretrial matters in this case to United States Magistrate Judge Audrey G. Fleissig for determination and recommended disposition, where appropriate. On August 1, 2005, Judge Fleissig issued a Report and Recommendation with respect to the motion filed by defendant Demtrice Dailey to suppress evidence. The defendant now objects to the recommendation that the suppression motion be denied.

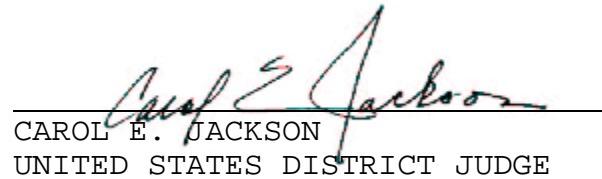
Pursuant to 28 U.S.C. § 636(b)(1), the Court is required to make a *de novo* determination of the specified proposed findings and recommendations to which objection is made. Here, the defendant makes only general, non-specific objections. He asserts that "the testimony of the government's witnesses" was not credible, but he does not identify which witness's credibility he is attacking nor does he explain the basis for his assertion. Additionally, the defendant does not point to any specific error in the magistrate judge's factual findings or in the judge's application of the law to the facts.

Nevertheless, the Court has listened to the testimony presented at the hearing. Based on that review, the Court concludes that there is no factual or legal basis for suppressing the evidence seized from the defendant and from the vehicle in which he was seated. The Court finds that the defendant's arrest was supported by probable cause and that the search conducted by the police did not violate the defendant's rights under the Fourth Amendment. Thus, the defendant's motion to suppress will be denied.

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of United States Magistrate Judge Audrey G. Fleissig is sustained, adopted, and incorporated herein.

IT IS FURTHER ORDERED that the motion of defendant Demtrice Dailey to suppress evidence [Doc. #41] is **denied**.



CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE

Dated this 12th day of August, 2005.